

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE AUGUST 31, 2007

AMENDED IN SENATE JULY 11, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 233

Introduced by Assembly Member Jones

January 30, 2007

An act to add Sections 43011.5 and 43704 to the Health and Safety Code, and to add Section 4755 to the Vehicle Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Jones. Diesel vehicles and engines: Healthy Heart and Lung Act.

(1) Existing law gives the State Air Resources Board the responsibility for control of emissions from motor vehicles and requires the state board to coordinate efforts of all levels of government as they affect air quality. The state board is required to identify toxic air contaminants and to establish airborne toxic control measures for toxic air contaminants. The state board has adopted an airborne toxic control measure to limit diesel-fueled commercial motor vehicle idling. Violations of this regulation are subject to a minimum civil penalty of \$100.

This bill would increase this minimum civil penalty to \$300. The bill would also require the state board, *every 3 years*, to review, ~~by January 1, 2009, a plan for coordinated and enhanced enforcement of the airborne toxic control measure to limit diesel-fueled vehicle idling and other diesel emission control regulations for manufacturers, owners, or operators of on-road and off-road vehicles and engines~~ *enforcement of specified diesel emission control regulations and develop a strategic plan for consistent, comprehensive, and fair enforcement of these regulations*. The bill would require the state board to submit this plan to the relevant legislative policy and fiscal committees by January 1, 2009, *and every 3 years thereafter*.

(2) Existing law requires a commercial motor vehicle that operates with a declared gross or combined gross vehicle weight that exceeds 10,000 pounds to register with the Department of Motor Vehicles, and subjects these vehicles to special weight fees.

This bill would require the department to ~~refuse registration~~ for any diesel commercial vehicle subject to these provisions, ~~if the vehicle was manufactured prior to January 1, 1994. The department would also be required to refuse registration, or renewal or transfer of registration for any of these vehicles,~~ if the owner or an operator of the vehicle has been cited for a violation pertaining to the vehicle of specified air pollution laws until the violation has been cleared, as determined by the State Air Resources Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited as, the
- 2 Healthy Heart and Lung Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) The State Air Resources Board's Emission Reduction Plan
- 5 for Ports and Goods Movement, adopted April 2006, states that
- 6 goods movement activity, including trips made by diesel-fueled
- 7 trucks, contributes to increases in cancer risk, premature deaths,
- 8 hospitalizations for respiratory and cardiovascular causes,
- 9 bronchitis, asthma attacks, and other respiratory symptoms.
- 10 (b) The State Air Resources Board identified particulate matter
- 11 emissions from diesel-fueled engines as a toxic air contaminant
- 12 in 1998. The state board subsequently developed a risk reduction

1 plan that included a goal of reducing the public health risk from
2 diesel particulate matter by 85 percent by 2020, and began to
3 develop regulations designed to further reduce diesel particulate
4 matter emissions from diesel-fueled engines and vehicles.

5 (c) As part of its efforts to reduce diesel emissions, the State
6 Air Resources Board has adopted regulations to control idling of
7 diesel-fueled vehicles, including buses and trucks. Additional
8 enforcement measures are needed to ensure consistent enforcement
9 of these and other regulations.

10 SEC. 3. Section 43011.5 is added to the Health and Safety
11 Code, to read:

12 43011.5. (a) ~~The~~ *Every three years, the* state board shall review
13 its existing enforcement of diesel emission control regulations for
14 ~~manufacturers, owners, or operators of on-road and off-road~~
15 ~~vehicles and engines~~ and anticipated enforcement needs for future
16 diesel emission control regulations for manufacturers, owners, or
17 operators of on-road and off-road vehicles and engines ~~planned~~
18 ~~for implementing~~ *to implement* the state board's Diesel Risk
19 Reduction Plan and Emission Reduction Plan for Ports and Goods
20 Movement, and ~~incorporate its findings into the plan reviewed~~
21 ~~pursuant to subdivision (b).~~ *develop a strategic plan for consistent,*
22 *comprehensive, and fair enforcement of these regulations.*

23 (b) ~~No later than January 1, 2009, the state board shall review,~~
24 ~~at a board hearing, a plan for coordinated and enhanced~~
25 ~~enforcement of Section 2485 of Title 13 of the California Code of~~
26 ~~Regulations and other diesel emission control regulations for~~
27 ~~manufacturers, owners, or operators of on-road and off-road~~
28 ~~vehicles and engines.~~ The state board shall consult with the districts
29 and the public in developing the plan, *and shall review the plan*
30 *at a public board meeting.*

31 (c) The plan shall include, but is not limited to, all of the
32 following:

33 (1) ~~Additional staff~~ *An assessment of the need for additional*
34 *staff and technology resources* at the state board to ensure that the
35 appropriate resources are available to ensure consistent enforcement
36 of diesel emission control regulations for on-road and off-road
37 vehicles and engines throughout the state *and in areas where diesel*
38 *emissions are concentrated.*

39 (2) Goals for inspection frequency ~~each year~~ *for the next three*
40 *years* to promote the maximum level of compliance with diesel

1 emission control regulations for on-road and off-road vehicles and
2 engines.

3 ~~(3) Education efforts regarding diesel engine idling~~
4 ~~requirements, including~~ *An education and outreach component to*
5 *increase public awareness and understanding of the diesel*
6 *regulations identified in subdivision (a). The education and*
7 *outreach component shall include the placement of signs and other*
8 *materials in multiple languages where appropriate in locations*
9 *where significant numbers of idling trucks and engines have been*
10 *found, especially locations near schools and residential*
11 *communities, to ensure that operators of trucks traveling through*
12 *the state and other affected individuals and businesses are aware*
13 *of the state's diesel engine idling requirements.*

14 ~~(4) An outreach program, to include the hiring of additional~~
15 ~~staff to train local enforcement officers, including, but not limited~~
16 ~~to, highway patrol, local police, and local air district staff in the~~
17 ~~enforcement of the state's diesel engine idling requirements. The~~
18 ~~outreach program shall include at least two training sessions each~~
19 ~~year in northern California and two in southern California.~~

20 *(4) A training program for local enforcement staff, including,*
21 *but not limited to, outreach to highway patrol, local police, and*
22 *local air district staff on enforcement of the state's diesel engine*
23 *idling requirements through workshops, educational material, and*
24 *training sessions in northern and southern California.*

25 (d) The state board shall submit the plan prepared pursuant to
26 subdivision ~~(b)~~ (a) to the relevant legislative policy and fiscal
27 committees by January 1, 2009, *and every three years thereafter.*

28 SEC. 4. Section 43704 is added to the Health and Safety Code,
29 to read:

30 43704. Any person who violates Section 2485 of Title 13 of
31 the California Code of Regulations is subject to a minimum civil
32 penalty of three hundred dollars (\$300).

33 SEC. 5. Section 4755 is added to the Vehicle Code, to read:

34 4755. ~~(a) The department shall refuse registration for any~~
35 ~~diesel commercial motor vehicle subject to Section 4000.6, if the~~
36 ~~vehicle was manufactured prior to January 1, 1994. The department~~
37 ~~shall continue to accept renewal and transfer of registrations for~~
38 ~~these vehicles.~~

39 ~~(b) The department shall refuse registration, or renewal or~~
40 ~~transfer of registration for any commercial motor vehicle subject~~

1 to Section 4000.6, if the owner or operator of the motor vehicle at
2 the time of the application has been cited for a violation, pertaining
3 to that vehicle, of Division 26 (commencing with Section 39000)
4 of the Health and Safety Code or regulations of the State Air
5 Resources Board adopted pursuant to that division, until the
6 violation has been cleared, as determined by the State Air
7 Resources Board.

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